

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38346 of 2024

Arising Out of PS. Case No.-746 Year-2023 Thana- BARACHATTI District- Gaya

Bittu Singh @ Srikant Raaj S/O Jitendra Singh @ Jitendra Kumar Singh
Resident of Village- Mirganj, P.S.-Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 38562 of 2024

Arising Out of PS. Case No.-746 Year-2023 Thana- BARACHATTI District- Gaya

Nitish Kumar Son of Shiv Ranjan Singh @ Chintu Singh @ Pintu Singh R/O
Vill.- Kobil, P.S.- Islampur, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 38346 of 2024)
For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Opposite Party/s : Mr.Satya Nand Shukla
(In CRIMINAL MISCELLANEOUS No. 38562 of 2024)
For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Barachatti P.S. Case No. 746 of 2023 instituted for the offences
under Section 394 of the Indian Penal Code.

3. Prosecution case, in short, is that three unknown



miscreants looted away Rs. 1,78,000/- from Petrol Pump.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. Petitioners are not named in the FIR and the same has been lodged against unknown persons. The name of the petitioners has come into light on the basis of confessional statement of co-accused person, which has got no evidentiary value in the eyes of law. The petitioners have got no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioners. The petitioners have not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. Charge-sheet has been submitted in this case. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 22.04.2024 passed in Cr. Misc. No. 30286 of 2024. The petitioners are in custody since 29.01.2024 and have criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.



7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barachatti P.S. Case No. 746 of 2023, Subject to following conditions:

- (i) One of the bailors shall be own/close member of the family of the petitioners.
- (ii) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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